

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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Washington, Tuesday, January 28, 1947

## TITLE 3—THE PRESIDENT EXECUTIVE ORDER 9823

### DESIGNATING PUBLIC INTERNATIONAL ORGANIZATIONS ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669) and having found that the United States participates in the following-named international organizations pursuant to a treaty or under the authority of an act of Congress authorizing such participation or making an appropriation therefor, I hereby designate them as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the said Act:

Intergovernmental Committee on Refugees.  
International Wheat-Advisory Committee (International Wheat Council).

The designation of the above organizations as public international organizations within the meaning of the said International Organizations Immunities Act is not intended to abridge in any respect privileges and immunities which such organizations may have acquired or may acquire by treaty or Congressional action.

This order supplements Executive Orders No. 9698 of February 19, 1946, and No. 9751 of July 11, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,  
January 24, 1947

[F. R. Doc. 47-842; Filed, Jan. 24, 1947;  
2:57 p. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 26—REGULATIONS UNDER THE FEDERAL EMPLOYEES PAY ACT OF 1945 AS AMENDED BY THE FEDERAL EMPLOYEES PAY ACT OF 1946

##### SERVICES TO BE CREDITED

Paragraph (h) of § 26.231 *Service to be credited* (11 F. R. 14093) is amended

by the addition of the following second paragraph:

In the case of an employee exercising reemployment rights under the terms of Executive Order No. 9711, April 11, 1946 (11 F. R. 4081) not to exceed a total period of 120 calendar days of time elapsing between release from military service and acceptance of civilian employment in occupied territories under the Military Government authorities of the United States, and time elapsing between termination of such employment and the exercise of his reemployment rights in accordance with Executive Order No. 9711.

(Sec. 605, 59 Stat. 304, Pub. Law 390, 79th Cong., 60 Stat. 215; 5 U. S. C. Sup. 945)

[SEAL]

THE UNITED STATES CIVIL  
SERVICE COMMISSION,  
H. B. MITCHELL,  
President.

[F. R. Doc. 47-780; Filed, Jan. 27, 1947;  
9:31 a. m.]

## TITLE 10—ARMY WAR DEPARTMENT

### Chapter IX—Transport

#### PART 903—TRANSPORTATION OF INDIVIDUALS

##### SLEEPING CAR ACCOMMODATIONS

Section 903.15 is superseded by the following:

§ 903.15 *When and to whom furnished; allowances*—(a) *General*. (1) When sleeping-car accommodations are authorized in this section, the transportation requests will be issued for the accommodations authorized, from starting point to destination unless only coach service is operated at the beginning or end of the journey.

(2) The Pullman Company will furnish tourist sleeping cars or other sleeping cars at tourist rates for parties of 15 or more persons, except that when air-conditioned tourist sleeping cars are requested for such parties under §§ 903.16 and 903.17 but are not available and air-conditioned standard sleep-

(Continued on next page)

## CONTENTS

### THE PRESIDENT

Executive Order	Page
Designation of public international organizations entitled to enjoy certain privileges, exemptions, and immunities.....	551

### EXECUTIVE AGENCIES

Alien Property, Office of	
Notices:	
Vesting orders, etc..	
Bergische Stahl Industrie et al.....	562
Katagiri, Chihaku.....	562
Lewin, Hans.....	563
Lowston, Walter H.....	563
Rader, Ludwig.....	562
Valbracht, Augusta.....	563

Civil Service Commission	
Rules and regulations:	
Federal employees pay; service to be credited.....	551

Civilian Production Administration	
Rules and regulations:	
Priorities system operation; effect of unexpired urgency certificates on WAA (PR 13, Dir. 25).....	557

Customs Bureau	
Rules and regulations:	
Articles conditionally free, subject to reduced rate, etc., artistic antiquities.....	554

Defense Transportation, Office of	
Notices:	
Tank cars for transportation of sulphuric acid and ammonium nitrate solution, allocation for use.....	564

Federal Communications Commission	
Rules and regulations:	
Coastal and marine relay services.....	558
Ship service.....	558

Federal Power Commission	
Notices:	
Central Nebraska Public Power and Irrigation District; hearing.....	563



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## NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 238) which were carried under "Notices" prior to January 1, 1947 are now presented in a new section entitled "Proposed Rule Making" Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

## CONTENTS—Continued

Federal Trade Commission	Page
Notices:	
Hearings, etc..	
Concrete Materials Corp.....	566
Perma-Plastic Seal Co.....	565
<b>Internal Revenue Bureau</b>	
Proposed rule making:	
Trusts, taxability of income.....	560
<b>Interstate Commerce Commission</b>	
Notices:	
Citrus, reconsignment at Philadelphia, Pa.....	566
Plaster, unloading at Los Angeles, Calif.....	566
Rules and regulations:	
Car, service; prohibition of light-weighting of cars at all ports.....	559
Traffic; rerouting of loaded cars, appointment of agent.....	560

## CONTENTS—Continued

<b>Maritime Commission</b>	Page
Notices:	
"Tropicus".	
Deposit of just compensation..	564
Determination of vessel ownership.....	564
<b>National Bureau of Standards</b>	
Rules and regulations:	
Test fee schedules; standard viscosity samples and determinations.....	554
<b>Price Administration, Office of</b>	
Rules and regulations:	
Alcohol, ethyl (excluding west coast) (MPR 28, Am. 16).....	557
<b>Temporary Controls, Office of</b>	
Rules and regulations:	
Civilian Production Administration, responsibility for liquidation.....	554
Delegations of authority; notices of general rate increases.....	554
<b>War Department</b>	
Rules and regulations:	
National guard regulations, miscellaneous amendments.....	554
Reservoir areas, public use; miscellaneous amendments.....	558
Transportation of individuals; sleeping car accommodations.....	551

## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

<b>Title 3—The President</b>	Page
Chapter II—Executive Orders:	
9698 <sup>1</sup> .....	551
9751 <sup>1</sup> .....	551
9823.....	551
<b>Title 5—Administrative Personnel</b>	
Chapter I—Civil Service Commission:	
Part 26—Regulations under Federal Employees' Pay Act.....	551
<b>Title 10—Army: War Department</b>	
Chapter IX—Transport:	
Part 903—Transportation of individuals.....	551
<b>Title 15—Commerce</b>	
Chapter II—National Bureau of Standards:	
Part 200—Test fee schedules....	554
<b>Title 19—Customs Duties</b>	
Chapter I—Bureau of Customs:	
Part 10—Articles conditionally free, subject to a reduced rate, etc.....	554
<b>Title 26—Internal Revenue</b>	
Chapter I—Bureau of Internal Revenue:	
Part 29—Income tax; taxable years beginning after Dec. 31, 1941 (proposed).....	560

<sup>1</sup> E. O. 9823.

## CODIFICATION GUIDE—Con.

<b>Title 32—National Defense</b>	Page
Chapter I—Office of Temporary Controls:	
Part 3—Delegation of authority.....	554
Part 11—Liquidation of Civilian Production Administration.....	554
Chapter II—National Guard and State Guard:	
Part 201—National Guard regulations.....	554
Chapter IX—Office of Temporary Controls, Civilian Production Administration:	
NOTE: Regulations and orders appearing under this chapter are listed only in the Table of Contents, <i>supra</i> .	
Chapter XI—Office of Temporary Controls, Office of Price Administration:	
NOTE: Regulations and orders appearing under this chapter are listed only in the Table of Contents, <i>supra</i> .	
<b>Title 36—Parks and Forests</b>	
Chapter III—Corps of Engineers:	
Part 311—Public use of certain reservoir areas.....	558
<b>Title 47—Telecommunication</b>	
Chapter I—Federal Communications Commission:	
Part 7—Coastal and marine relay services.....	558
Part 8—Ship service.....	558
<b>Title 49—Transportation and Railroads</b>	
Chapter I—Interstate Commerce Commission:	
Part 95—Car service.....	559
Part 97—Routing of traffic.....	560

ing cars are furnished and used in lieu thereof, standard sleeping-car rates will be required.

(b) *Standard accommodations.* (1) Subject to the provisions of §§ 903.16 and 903.17, regarding patients and their attendants, the following named persons, when traveling under orders, are entitled at public expense to a lower berth in a standard sleeping car, or a seat in a sleeping car or parlor car:

(i) Officers not traveling in a mileage status, provided that they are entitled to a separate compartment for night railway travel in foreign countries, where the type of accommodations otherwise available is not similar to that used in the United States.

(ii) Cadets, United States Military Academy, aviation cadets, and noncommissioned officers of first, second, and third grades when traveling individually, or included in parties of nine persons or less. (In counting the party there will be included cadets, United States Military Academy, aviation cadets, noncommissioned officers of all grades, other enlisted persons, applicants, and rejected applicants for enlistment or enrollment, but not officers.) See also paragraph (c) (2) of this section regarding parties of 10 persons or more.)

(iii) Members of the Reserve Officers' Training Corps while traveling, except by organizations, to and from camps of instruction, when not paid travel allowances.

(iv) Relative acting as attendant to remains, and return of attendant when required, under the provisions of AR 55-120 and TM 55-520 (when published)

(v) Civilian candidates, Citizens' Military Training Camps, when transportation is furnished by the United States.

(vi) Cadets discharged from the United States Military Academy when traveling from the academy to their homes.

(vii) Relative or friend not in the military service when acting as attendant to a military patient, when proceeding alone to the point from which the attendant service is to be performed, and when returning alone after having completed such attendant service, under the authority contained in War Department Memorandum 40-45, March 23, 1945.

(2) Wives, dependent children, and dependent fathers and mothers whose transportation is authorized by AR 55-120 and TM 55-520 (when published) are entitled to berths in a standard sleeping car or seats in a sleeping car or parlor car on the following basis, regardless of the accommodations to which the individual changing station may be entitled under the provisions of this manual (dependents, other than wives, children, fathers or mothers, whose transportation may be authorized under the "Missing Persons Act" by AR 55-120, are entitled to the same accommodations as those prescribed below for a dependent father or dependent mother:

(i) One lower berth for:

Wife alone.

Dependent father.

Dependent mother.

Child alone.

Wife and child under 6 years of age.

Wife and female child over 6 years of age.

Two children, same sex.

Two children, opposite sex, both under 6 years of age.

(ii) One section, or separated lower and upper berths for:

Wife and one child, male, over 6 years of age.

Wife and two children.

Two children, opposite sex, one or both over 6 years of age.

(iii) When the number of children exceeds two, accommodations for the additional children will be provided on the basis prescribed above for the first two children.

(iv) If a lower berth is not available, one upper berth may be furnished to each individual.

(v) The foregoing allowance is based on all the dependents of one individual traveling together at the same time. If the dependents travel separately and the total allowance becomes exhausted through being furnished the accommodations and/or by claiming monetary allowance in lieu thereof (AR 55-120 and TM 55-520 (when published)) no further accommodations may be furnished.

(3) In certain other cases, as prescribed in this manual, standard accommodations may be furnished when tourist accommodations are not available.

(c) *Tourist accommodations.* Subject to the provisions of §§ 903.16 and 903.17 regarding patients and their attendants, tourist accommodations will be furnished on the following basis when journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train:

(1) *Nine persons, or less.* (i) In counting the party to determine accommodations under subdivisions (ii) and (iii) of this subparagraph, there will be included aviation cadets, noncommissioned officers of all grades, other enlisted persons, applicants and rejected applicants for enlistment or enrollment, but not officers.

(ii) Noncommissioned officers below the third grade are entitled to a separate berth each in a tourist sleeping car, except as provided in subparagraph (3) of this paragraph, an upper if available, otherwise a lower. (See subparagraph (4) of this paragraph.)

(iii) Enlisted persons (other than aviation cadets and noncommissioned officers) and applicants or rejected applicants for enlistment or enrollment are entitled to accommodations in a tourist sleeping car, except as provided in subparagraph (3) of this paragraph, on the following basis:

(a) One person traveling individually will be furnished an upper berth, if available; otherwise a lower. (See subparagraph (4) of this paragraph.)

(b) Parties of two to nine persons, both inclusive, will be furnished accommodations on the basis of two persons in a lower berth; the "odd-number" person, if any, to be furnished an upper. If an upper is not available for the "odd-number" person, he will be furnished a lower. (See subparagraph (4) of this paragraph.)

(2) *Ten persons, or more (not counting officers in party).* Cadets, United States Military Academy, enlisted persons (including aviation cadets and all noncommissioned officers) and applicants or rejected applicants for enlistment or enrollment are entitled to accommodations in a tourist sleeping car, except as provided in subparagraph (3) of this paragraph, on the basis of two persons in a lower berth. The "odd-number" person, if any, is entitled to an upper berth. If there are more than a sufficient number of persons to occupy all the lower berths of an entire car on the basis of two persons in a berth, then the remaining persons will be furnished an upper berth each in the same car until its capacity is reached. Each additional car will be filled in the same manner. In special train movements one upper berth will be left unassigned for the use of the pullman conductor. (See subparagraph (4) of this paragraph, and § 903.19). When tourist sleeping cars containing drawing rooms are furnished by the carriers, the drawing room will be used as a section; that is, one lower berth and one upper berth. For

example: When a party of 49 enlisted persons is traveling in tourist sleeping cars of the twelve-section, one-drawing-room type, they will be furnished a transportation request for 18 lower and 13 upper tourist berths.

First car: 13 lower berths for 26 persons; 13 upper berths for 13 persons.

Second car: 6 lower berths for 10 persons.

Total: 18 lower berths and 13 upper berths for 49 persons.

(3) *Standard accommodations in lieu of tourist.* Whenever tourist-car berths are not available, standard-car berths will be furnished under the same conditions and on the same basis as set forth in subparagraphs (1) and (2) of this paragraph. (See also subparagraph (4) of this paragraph.)

(4) *Alternative allowances.* The alternative allowances (upper or lower berths; tourist or standard accommodations) provided for in subparagraphs (1), (2) and (3) of this paragraph, contemplate furnishing the most economical accommodations available on the train (and connecting trains en route) and authorized. The higher cost berths and accommodations will be utilized only to the extent that those of lower cost are not available.

(d) *Transportation of aliens (as distinguished from enemy aliens) and other persons evacuated from military areas.* The lowest class of transportation by the facility used will be furnished aliens (as distinguished from enemy aliens) or other persons evacuated from military areas pursuant to the provisions of Executive Order No. 9066, February 19, 1942 (3 CFR, Cum. Supp.) (sec. II, WD Bull. 10, 1942) except that where transportation is by rail carriers and the journey involves spending two nights or more on the train, sleeping-car accommodations, tourist whenever available, otherwise standard, will be furnished for the entire distance from point or origin to destination only for all children under 14 years of age and females who may be included in a movement. In such cases the accommodations will be furnished on the following basis: A mother with her child or children under 14 years of age or a woman in charge of a child or children under 14 years of age, as prescribed for a wife and child or children in paragraph (b) (2) of this section. Other women 50 years of age and over, a separate lower berth for each. Other females 14 years of age and over, and under 50 years, two persons to a lower berth until all available lower berths in the car are used and the remainder of such females in an upper berth each in the same car until the capacity of the car is reached. Where lower berths or a sufficient number thereof are not available, one upper berth will be furnished each individual to the extent that lower berths are not available on the foregoing basis. [TM 55-525, C2, Dec. 30, 1946] (R. S. 161, 5 U. S. C. 22)

[SEAL]

EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 47-784; Filed, Jan. 27, 1947; 9:33 a. m.]

## TITLE 15—COMMERCE

## Chapter II—National Bureau of Standards, Department of Commerce

## PART 200—TEST FEE SCHEDULES

## STANDARD VISCOSITY SAMPLES AND DETERMINATIONS

In accordance with the provisions of sections 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on this schedule of fees are unnecessary for the reason that such procedure would, because of the nature of these rules, serve no useful purpose.

These rules shall be effective upon the date of publication in the FEDERAL REGISTER.

Section 200.387 *Viscosity determinations* (15 CFR § 200.387) is hereby amended by changing the title to "Standard viscosity samples and determinations," and to read as follows:

§ 200.387 *Standard viscosity samples and determinations.*

Item	Description	Fee (f. o. b. Washington, D.C.) <sup>1</sup>
357a	One-pint sample of Standard Viscosity Oil D, H, I, J, K, L, M, or N with report on its absolute viscosity, kinematic viscosity, and density at 20° C., 25° C., and 100° F., per one-pint sample.	\$10.00
357b	Determination of absolute or kinematic viscosity of Standard Viscosity Oil D, H, I, J, K, L, M, or N at temperatures other than covered by Item 357a, additional fee, per sample per temperature.	10.00
357c	One-pint sample of Standard Viscosity Oil OB with report on absolute viscosity, kinematic viscosity, and density at 20°, 25°, and 40° C., per one-pint sample.	20.00
357d	One-pint sample of Standard Viscosity Oil P with report on absolute viscosity, kinematic viscosity, and density at 30°, 40°, and 50° C., per one-pint sample.	20.00
357e	Determination of absolute or kinematic viscosity of Oil OB or Oil P at temperatures other than those covered by Item 357c and Item 357d, respectively, additional fee, per sample per temperature.	15.00
357f	One-pint sample of Oil SB with report on Saybolt Universal viscosity at 100° F., per one-pint sample.	5.00
357g	One-pint sample of Oil SO with report on Saybolt Universal viscosity at 130° F., per one-pint sample.	5.00
357h	One-pint sample of Oil SF with report on Saybolt Furol viscosity at 122° F., per one-pint sample.	5.00
357x	Replacement of Bureau reports and certificates.	1.00
357z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

<sup>1</sup> Shipments weighing not more than 4-lb. gross to points within the United States, its territorial possessions, Canada, Cuba, and Mexico, are sent under government frank. Shipments weighing more than 4-lb. gross to points within the United States are sent via express, transportation charges collect. Special arrangements must be made for shipments not coming under these two classifications.

(Sec. 312, 47 Stat. 410; 15 U. S. C. 276)

[SEAL] E. U. CONDON,  
Director

Approved:

WILLIAM C. FOSTER,  
Acting Secretary of Commerce.

[F. R. Doc. 47-794; Filed, Jan. 27, 1947;  
9:42 a. m.]

## TITLE 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs

[T. D. 51608]

## PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

## ARTISTIC ANTIQUITIES

Section 10.53 (f) Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.53) is hereby amended to read as follows:

§ 10.53 *Artistic antiquities.* \* \* \*

(f) A claim for the free entry of an article under paragraph 1811 on the basis of antiquity may be made on the entry at any time prior to liquidation of the entry. *Provided*, That the article has not been released from customs custody or it has been found upon examination before such release that the article is classifiable under paragraph 1811 upon compliance with the provisions of this section.

(Par. 1811, sec. 201, 46 Stat. 685, sec. 624, 46 Stat. 759; 19 U. S. C. 1201, 1624)

[SEAL] W R. JOHNSON,  
Commissioner of Customs.

APPROVED: January 21, 1947.

E. H. FOLEY, JR.,  
Acting Secretary of the Treasury.

[F. R. Doc. 47-798; Filed, Jan. 27, 1947;  
9:32 a. m.]

## TITLE 32—NATIONAL DEFENSE

## Chapter I—Office of Temporary Controls

## Subchapter A—Organization, Procedure and Delegations of Authority

## PART 3—DELEGATION OF AUTHORITY

## NOTICES OF GENERAL RATE INCREASES

By virtue of the authority vested in me by Executive Order No. 9250 of October 3, 1942; Executive Order No. 9699 of February 21, 1946; Executive Order No. 9762 of July 25, 1946; and Executive Order No. 9809 of December 12, 1946, and in accordance with the provisions of paragraph 4 of Title VI of Executive Order No. 9250 and of Section 1 of the Stabilization Act of 1942, as amended (56 Stat. 765; 50 U. S. C. App. Secs. 961-971) *It is hereby ordered.*

§ 3.202 *Notices of general rate increases.* (a) The Commissioner for War Mobilization and Reconversion in the Office of Temporary Controls is hereby designated as the agency to receive notices of proposed general increases in common carrier or other public utility rates and charges.

(b) Because it is considered unnecessary, under present circumstances to intervene before the Authorities having jurisdiction to consider such proposed increases, the Commissioner will not so intervene.

(c) Directive No. 1 (7 F. R. 8758) of the Director of Economic Stabilization, issued October 14, 1942, is hereby revoked.

This order shall become effective upon issuance.

Done at Washington, D. C., this 21st day of January 1947.

(Sec. 1, 56 Stat. 765; 50 U. S. C., App., Supp., 961-971, E. O. 9699, Feb. 21, 1946, 11 F. R. 1929; E. O. 9762, July 25, 1946, 11 F. R. 8073; E. O. 9809, Dec. 12, 1946, 11 F. R. 4281)

PHILIP B. FLEMING,  
Temporary Controls Administrator

[F. R. Doc. 47-799; Filed, Jan. 27, 1947;  
8:56 a. m.]

## Subchapter B—Rules Affecting Civilian Production Administration

## PART 11—LIQUIDATION OF CIVILIAN PRODUCTION ADMINISTRATION

§ 11.1 *Liquidation.* Pursuant to the authority of Executive Order No. 9809, dated December 12, 1946 and Executive Order 9638, dated October 4, 1945, it is hereby directed that the Civilian Production Administration as such be liquidated and that the liquidation shall be completed not later than December 31, 1947. All residual operating and administrative functions, such as those relating to accounts, personnel, history and records shall be assumed by the Office of Temporary Controls Administrator immediately after December 31, 1947.

§ 11.2 *Responsibility for liquidation.* The Commissioner of Civilian Production shall be responsible for the orderly liquidation of the Civilian Production Administration. As rapidly as possible determination shall be made by the Commissioner as to the effective dates for the termination of individual Civilian Production Administration functions. Following such determinations appropriate steps shall be taken to effect the liquidation of these functions by the dates so determined.

*Effective date.* This order is effective January 21, 1947.

(E. O. 9638, Oct. 4, 1945, 10 F. R. 12591, E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

PHILIP B. FLEMING,  
Temporary Controls Administrator

[F. R. Doc. 47-799; Filed, Jan. 27, 1947;  
8:55 a. m.]

## Chapter II—National Guard and State Guard, War Department

## PART 201—NATIONAL GUARD REGULATIONS

## MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Part 201 are hereby prescribed:

1. Paragraph (c) of § 201.1 is amended by substituting the word "headquarters" in lieu of "staff" wherever it appears and by amending subparagraph (3) The section is further amended by the addition of paragraph (f) to read as follows:

§ 201.1 *Appointment* \* \* \*

(c) *Appointments to State headquarters* \* \* \*

(3) *Other State headquarters.* See § 201.2 (d) (2) (iv) (c)

(f) *Appointments of Regular Army personnel*—(1) *Regular Army officers.* In accordance with an approved policy of the War Department, authority may be granted to officers on the active list of the Regular Army to accept commissions in the active National Guard. The following conditions govern all such appointments:

(i) The officer must be detailed as an instructor with the National Guard unless he is appointed Chief of Staff of a division under the provisions of sections 65 and 100, National Defense Act.

(ii) There must be a vacancy and appropriate assignment with the active National Guard in the grade in which the commission is tendered.

(iii) The vacancy so filled will be limited to that of the commander of a regiment or larger organization, or that of a staff officer of a brigade or higher organization.

(iv) The State authorities must make the request for the appointment to the Chief, National Guard Bureau, giving the rank proposed for the appointee and the arm or service in which he is to be commissioned.

(v) The commission in the National Guard will be in the same grade as that held by the officer in the Regular Army and not below that of major or above that of major general.

(vi) Before an officer can accept such a commission he must first receive authority from the Secretary of War.

(vii) The authority to hold the commission terminates when a qualified National Guard officer becomes available or when the Regular Army officer holding the commission is relieved from duty with the National Guard of the State in which he is commissioned.

(viii) Should the unit to which the officer is assigned be called or ordered into Federal Service, the officer will resign his commission in the National Guard effective the date of the call or order.

(ix) Assignment to be limited to 2 years, subject to extension upon further request by the Governor of the State concerned.

(2) *Regular Army enlisted men.* An enlisted man on the active list of the Regular Army may not legally accept a commission in the National Guard even though he is detailed on duty with the National Guard.

2. Section 201.2 is superseded by the following:

§ 201.2 *Federal recognition*—(a) *Definition.* Federal recognition is the action of the War Department in acknowledging and recording that officers of the National Guard have met the qualifications and requirements prescribed by the National Defense Act, and regulations, and are thereby entitled to receive Federal pay and allowances.

(b) *Effective date of recognition.* Recognition is not complete until granted by the War Department. It is effective from the date on which the requirements for recognition were met.

(c) *Persons eligible.* Persons commissioned as officers of the National Guard will not be recognized as such under any of the provisions of these regulations unless they will have been selected from the following classes, and will have taken and subscribed to the oath of office prescribed in section 73 of the National Defense Act.

(1) *Initial procurement*—(i) *From wartime officers.* In the initial reorganization of the National Guard, Federal recognition and appointment in the National Guard of the United States above the grade of second lieutenant will be limited to those officers who have served honorably in active Federal service in the armed forces of the United States for a period of at least 6 months since December 7, 1941, and who, while in that service, have demonstrated their qualifications by actual service in the grade and position contemplated, or by the satisfactory discharge of duties of corresponding and equal responsibility.

(ii) *From warrant officers and enlisted men.* Warrant officers and enlisted men of the first three grades who have served honorably in active Federal service in the armed forces of the United States for a period of at least 6 months since December 7, 1941, and who may be nominated for appointment as second lieutenants, may be exempted from attendance at an officer candidate school by examining boards when their wartime experience clearly satisfies the required standards: *Provided*, That second lieutenants may be procured from among recent graduates of the Reserve Officers' Training Corps or officer candidate schools.

(iii) *Specialists from other sources.* (a) Wartime service or previous military training are not required for appointment and Federal recognition in the National Guard of clergymen as chaplains, doctors as medical officers, and dentists as dental officers.

(b) If a candidate for appointment has had such wartime service or previous military training, the record of that service and training will be considered in determining general suitability for the position to which appointed.

(c) Maximum age-in-grade requirements established in paragraph (d) (3) of this section, apply to these officers.

(d) Grades to which appointed and in which recognized are those specified in the table of organization and equipment of the unit to which assigned.

(e) Requirements for professional accreditation and professional experience will be those specified in Army Regulations for the appropriate grades.

(2) *Continuing procurement.* After initial reorganization, commissioned officers will be obtained from the following sources:

(i) Individuals with honorable and creditable service as commissioned officers in any of the armed services of the United States.

(ii) Graduates of accredited senior Reserve Officer Training Corps units.

(iii) Graduates of officer candidate schools and graduate aviation cadets.

(iv) Flight officers who have served honorably and creditably in time of war.

(v) Specialists as provided in subdivision (iii) (a) of this subparagraph.

(vi) Officers of the Organized Reserve Corps.

*NOTE:* A civilian officer or employee of the United States or the District of Columbia, who is appointed an officer of the National Guard, will not be federally recognized without the consent of the head of the department or service in which he is employed.

(d) *Requirements for recognition.* The Chief, National Guard Bureau, will not grant Federal recognition to an officer until he has evidence that the following requirements have been met:

(1) *Residence.* The candidate must live in the vicinity of the unit to which he is to be assigned.

(2) *Assignment*—(i) *To a unit.* The unit must be recognized.

(ii) *To a headquarters.* The headquarters must be recognized.

(iii) *To split units.* The provisions of this paragraph apply to all split units.

(iv) *To State Headquarters*—(a) *Adjutant general or assistant adjutant general.* A person appointed adjutant general, or assistant adjutant general, of a State may be recognized in any arm or service. Authorized grades for recognition will conform to the allotment prescribed by the Chief, National Guard Bureau for State Headquarters. If the grade authorized is that of a general officer, the candidate must qualify for Federal recognition under the requirements prescribed for general officers of appropriate grades in the National Guard. All qualifications prescribed by Federal law and this part must be met before recognition will be granted. When recognized, a State adjutant general, or assistant adjutant general, comes under the same regulations as apply to other recognized officers.

(b) *Branch immaterial assignments.* A person appointed as an officer of the National Guard and assigned to a State Headquarters for selective service duty, or as United States property and disbursing officer, inspector general, or maintenance officer may be recognized in any arm or service. Authorized grades for recognition will conform to the allotment prescribed by the Secretary of War for State Headquarters.

(c) *Other State Headquarters officers.* A person appointed as an officer of the National Guard and assigned to the State Headquarters, except as provided in subdivisions (iv) (a) and (b) of this subparagraph, may be recognized, provided he is commissioned and qualified in the staff corps or department appropriate to the staff position to which he is assigned. If commissioned and recognized in an arm or service other than that appropriate to the existing vacancy, he may be assigned to the State Headquarters and continue to be recognized in his present arm or service until promoted. Authorized grades for recognition will conform to the allotment prescribed by the Secretary of War.

(d) *Total number and grade.* The total number and grades of officers recognized for the State Headquarters in any State will not exceed the total authorized in the approved allotment of grades and vacancies for the State Headquarters.



(3) *Age (effective until January 1, 1951)*—(i) *For initial recognition.* No candidate will be examined for recognition who is less than 21 or more than 62 years old, nor unless his age is such that he can serve at least 1 year before recognition will be terminated under age limitations as set forth in subdivision (ii) of this subparagraph, except that for air units no candidate for original commission as second lieutenant will be more than 27; as first lieutenant, more than 32; as captain, more than 37; as major, more than 40; as lieutenant colonel, more than 43; as colonel, more than 45.

(ii) *For continued recognition.* The following maximum age-in-grade limitations are established for officers of the National Guard. An officer will be considered over the maximum age for his grade upon reaching the birthday of the year prescribed.

Assignment	2d Lt.	1st Lt.	Capt.	Maj.	Lt. Col.	Col.
State headquarters..	40	43	46	51	55	60
Air units.....	31	36	41	44	47	49
Other than air units.	30	35	42	47	52	55

NOTE: Rated officers in air units will be subject to the age limitations above for air units. Non-rated officers in air units (including flight surgeons) will be subject to the age limitations given above for "Other than air units." (WDGPA 321 (July 29, 1946))

(4) *Examination.* The candidate must pass such physical, moral, and professional tests as the President may prescribe.

(e) *Termination of recognition.* Recognition of a National Guard officer terminates when:

(1) if a general officer, he has reached the age of 64. (i) If below the grade of general officer, he has passed the maximum age prescribed for his grade in paragraph (d) (3) (ii) of this section.

(2) When his commission is vacated.

(3) When he is convicted of a felony.

(4) When he is transferred from a position in which he is recognized to a position for which there is no provision for recognition.

(5) When recognition is withdrawn from the organization to which the officer belongs, unless he is transferred to an existing vacancy in a recognized unit.

(6) When he accepts a commission in the Regular Army (5 Bull. JAG; SPJGA 1946/4410, May 28, 1946) the Navy, or the Marine Corps.

(f) *Withdrawal of recognition.* Recognition of a National Guard officer will be withdrawn:

(1) When he has been absent without leave for 3 months.

(2) When the annual physical examination or the findings of a medical board appointed under the provisions of § 201.5 (b) (3) show that he is physically incapacitated for further service.

(3) When he is a member of the headquarters of a battalion or larger unit and that unit becomes so depleted that it no longer conforms to the prescribed recognition requirements. In such cases recognition of the commanding officer and his staff will be withdrawn 6 months after the date on which the unit became incomplete, unless the condition is corrected

prior to the expiration of that period. (See NGR 15.)

(4) When the time limit of a waiver granted under § 201.4 (b) and (d) expires and the officer has not taken the prescribed examination or has failed to pass it.

(5) When an inspection conducted under the provisions of section 93, National Defense Act, as amended, shows that the individual is lacking in the required qualifications. In such cases the War Department may summarily withdraw Federal recognition.

(6) When an efficiency board, appointed under the provisions of section 76, National Defense Act, as amended, finds against him and those findings are approved by the Chief, National Guard Bureau.

(7) When he exceeds the maximum age prescribed for an officer of his grade and assignment.

(8) In the case of an officer of the Chaplains Corps, when ecclesiastical indorsement is withdrawn by the church of his faith.

(9) In the case of an officer of the medical department, when his license to practice has been terminated by proper authority.

3. Section 201.3 is amended by changing the headnote of paragraph (a) (2) and rescinding paragraphs (e) and (g) and substituting the following:

§ 201.3 *Examination.* \* \* \*

(a) *General.* \* \* \*

(2) *Findings of board.* \* \* \*

(e) *Professional examination*—(1) *General.* The professional examination will consist of two parts: a written examination to determine the candidate's military knowledge qualifications; and a practical test, conducted either with or without troops, to determine his ability qualifications. The examination will be sufficiently comprehensive to determine the candidate's professional qualifications but it will not involve feats of memory requiring the reproduction of statistics, data, or kindred matter ordinarily found in reference works.

(2) *Scope*—(i) *Subjects.* In determining the subjects under professional qualifications in which a candidate (except a general officer) is to be examined and scope of the examination in each subject, the board will be governed by the following Army Regulations which set forth the minimum qualifications for appointment and promotion:

- AR 140-22, Adjutant General's Department.
- AR 140-23, Air Corps.
- AR 140-24, Cavalry.
- AR 140-25, Chaplains.
- AR 140-26, Chemical Corps.
- AR 140-27, Coast Artillery Corps.
- AR 140-28, Corps of Engineers (to include Armored Engineers).
- AR 140-29, Field Artillery (to include Armored Field Artillery).
- AR 140-30, Finance Department.
- AR 140-31, Infantry (to include Armored Infantry and Tank Corps).
- AR 140-32, Judge Advocate General's Department.
- AR 140-33, Medical Department.
- AR 140-34, Military Intelligence.
- AR 140-36, Ordnance Department.
- AR 140-37, Quartermaster Corps (to include Transportation Corps).
- AR 140-38, Signal Corps.

(3) *Evidence of prior service.* If the candidate produces evidence that he has satisfactorily discharged the duties of the grade and assignment for which examined, or has satisfactorily discharged duties of corresponding and equal responsibility, in active Federal service in the armed forces since December 7, 1941, the board may accept this service as evidence of professional qualification for the grade and arm or service for which examined and may dispense with the professional examination. The evidence accepted by the board in lieu of examination will be shown.

(4) *Evidence of commission.* If the candidate produces evidence that he is federally recognized as an officer of the National Guard in the appropriate grade and arm or service, or that he has held a commission in the Regular Army, the Marine Corps, or the Officers' Reserve Corps in the same grade and arm or service, and has served satisfactorily in that assignment, the board may accept this service as evidence of professional qualification and may dispense with the professional examination. The evidence accepted by the board in lieu of examination will be shown.

(5) *For candidates for the grade of second lieutenant*—(i) *Evidence of graduation from OCS or ROTC.* The examining board may accept evidence of satisfactory completion of Officers' Candidate School or graduation from an accredited senior Reserve Officers' Training Corps unit in lieu of any or all of the tests prescribed under proficiency qualifications for candidates for the grade of second lieutenant. In accepting such evidence, the board must give due consideration to the type of training given the candidate at the Officers' Candidate School or senior Reserve Officers' Training Corps Unit.

(ii) *Evidence of prior service as warrant officer.* If the candidate produces evidence that he has performed 6 months' active service in the armed forces of the United States since December 7, 1941, and that he has attained the grade of warrant officer while in that service, and that this wartime service clearly satisfied the required standards, the examining board may accept this service in lieu of any or all tests prescribed under proficiency qualifications for candidates for the grade of second lieutenant.

(iii) *Evidence of prior service as an enlisted man of the first three grades.* While the appointment of second lieutenants from this source is contemplated, until such time as an adequate system of evaluation of enlisted service is instituted, regulations governing the necessary procedures will not be published.

(iv) *Presentation of certificate of proficiency.* If a candidate for commission as second lieutenant has obtained, by completion of a special course for non-commissioned officers at an appropriate service school, a certificate of proficiency in any subject prescribed under professional qualifications, the board may accept this certificate in lieu of examination in the subject covered.

(6) *Evidence of graduation from general and special service schools.* If a candidate produces a certificate showing

satisfactory completion of appropriate courses of instruction for officers at general and special service schools, the board may accept this evidence in lieu of any or all tests prescribed under professional qualifications.

(7) *Evidence of graduation from high school or higher educational institution.* When a candidate produces satisfactory evidence of graduation from a standard high school or from an equivalent or higher institution of learning, the board may accept this in lieu of any tests designed to determine the candidate's general education.

(8) *Transfer to another arm or service.* The examination of an officer who has been transferred to another arm or service will be the same as for original appointment.

(g) *Professional examination for general officers—(1) General.* The professional examination for candidates for the grade of general officer will be conducted as prescribed by the president of the board and will include such military knowledge and ability tests as the board may deem necessary.

(2) *Military educational requirements.* The successful completion of an appropriate course of the Command and Staff College, or a local branch thereof, will be a prerequisite for promotion to general officer grade, except when the officer has, in time of war, performed satisfactorily in the grade for which examined or higher grade, or has clearly demonstrated his qualifications by actual performance of the duties of the higher grade, as provided in paragraph (e) (3) of this section.

4. Section 201.4 is superseded by the following:

§ 201.4 *Waivers—(a) Waiver of professional requirements.* Except as provided in paragraph (d) of this section, no waiver of any requirement for professional qualification of National Guard officers will be granted, except under direct authorization by the Secretary of War.

(b) *Waiver of physical requirements.* Waivers for physical defects will be authorized only to the extent prescribed for officers of the Regular Army. An officer who is found physically disqualified because of a correctible defect will be allowed a maximum of 1 year to correct the defect. At the end of the year provided, the officer will be ordered before an examining board to determine his physical qualifications for continued recognition.

(c) *Waiver of age limitations.* Age-in-grade requirements prescribed in § 201.2 (d) (3) will not be waived.

(d) *Waiver of technical requirements upon transfer.* When an officer is commissioned in a different arm or service from that in which he performed his wartime service or when, by reason of conversion of his unit, an officer is transferred to a different arm or service than that in which recognized, the examination in those technical subjects not common to the two arms or services may be waived for not more than 1 year. On or before the end of the year for which the

waiver is granted, the officer will appear before an examining board for determination of his qualifications in those technical subjects in which he has not previously qualified.

5. Amend paragraph (b) of § 201.6 to read as follows:

§ 201.6 *Officers of the National Guard of the United States* \* \* \*

(b) *Application for appointment.* Applications for appointment (WD NGB Form 62) will be forwarded in triplicate through channels to The Adjutant General of the Army. These channels will include the appropriate National Guard commanders; the State adjutant general; the Air Force, Army, or Territorial commander; and the Chief, National Guard Bureau.

[National Guard Regs. No. 20, 1946] (48 Stat. 155; 32 U. S. C. 4)

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 47-783; Filed, Jan. 27, 1947;  
9:32 a. m.]

## Chapter IX—Office of Temporary Controls, Civilian Production Administration

**AUTHORITY:** Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 383, 79th Congress; E. O. 8024, 7 F. R. 329; E. O. 8040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9539, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Direction 25]

#### EFFECT OF UNEXPIRED URGENCY CERTIFICATES ON WAA

The following direction is issued pursuant to Priorities Regulation 13:

(a) *What this direction does.* On January 17, 1947, the Civilian Production Administration revoked Direction 16 to Priorities Regulation 13 under which CPA urgency certificates were issued. The revocation provided that CPA will no longer issue new certificates or extend the expiration date of outstanding certificates. However, as stated in the revocation outstanding certificates issued under the direction before January 17, remain valid until filled or until they expire, whichever is earlier. This direction deals only with these unexpired certificates and explains how they are now to be handled by WAA. The major difference between this procedure and that formerly established by Direction 16 is that urgency certificates are now valid against lots of material or equipment which are advertised or publicly offered for sale by WAA if the advertisement or public offering specifically so states. This new procedure for these unexpired urgency certificates has been issued to conform with the new procedures jointly adopted by WAA and the Office of the Housing Expediter and in-

corporated in the recent amendments to Housing Expediter Priorities Regulations 1, 2 and 4.

(b) *Effect of urgency certificates on WAA.* (1) Unless CPA specifically directs otherwise, the regional office of WAA must give precedence to holders of CPA urgency certificates over any other class of buyers (except holders of Housing Expediter certificates) in selling any surplus materials or equipment of the type covered by unexpired urgency certificates which have been filed with it, or of which it has been notified by another regional office. The relative precedence among holders of CPA urgency certificates and Housing Expediter certificates will be determined by WAA in the manner described in Housing Expediter Priorities Regulations 1, 2 and 4. CPA urgency certificates are not valid against any particular lot of materials or equipment which WAA has advertised or publicly offered for sale unless the advertisement or public offering specifically states that the material or equipment is offered to holders of urgency certificates. Also they are not valid against any particular lot of materials or equipment which is covered by a directive issued by the Housing Expediter, or which WAA has set aside for veterans. The price and terms of sale of specific materials or equipment to a holder of an urgency certificate will be determined by WAA. If the sale is made through a dealer, WAA will designate the certificate holder who is to receive the material or equipment, and the dealer must give WAA a certification in substantially the following form:

The undersigned certifies to the seller and to the Civilian Production Administration, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code that he will resell promptly the material or equipment obtained with this certificate to \_\_\_\_\_ (insert name of urgency certificate holder designated by WAA).

(2) If a holder of an urgency certificate is unwilling or unable to meet the price and terms of sale determined by WAA, it is not required to make the sale.

(c) *Expiration date.* This direction expires March 17, 1947, unless it is revoked or modified before that date.

Issued this 27th day of January 1947.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 47-876; Filed, Jan. 27, 1947;  
11:19 a. m.]

## Chapter XI—Office of Temporary Controls, Office of Price Administration

### PART 1412—SOLVENTS

[MPR 23, Amdt. 16]

#### SALES OF ETHYL ALCOHOL (EXCLUDING WEST COAST ETHYL ALCOHOL)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 28 is amended in the following respects:

1. The table of maximum prices of fermentation ethyl alcohol in § 1412.263 Appendix A (a) (1) is amended to read as follows:

CD 12	_____	\$0.576
CD 13	_____	.576
CD 14	_____	.573

SD 1-----	\$0.572
SD 2 B-----	.565
SD 3 A-----	.561
SD 12 A-----	.557
SD 23 A-----	.566
SD 23 G-----	.612
SD 23 H-----	.57
Proprietary name solvent-----	.59

2. In § 1412.263 Appendix A (b) (1) (i), the price "\$0.565" is substituted for the price "\$0.535"

3. In § 1412.264 Appendix B, the following sentence is added: "Provided, however, That for sales made on or after June 20, 1946, the jobber's maximum price for industrial ethyl alcohol shall be the sum of his cost of acquisition and the percentage mark-up he had in effect on March 31, 1946, to the same class of purchaser on sales of such alcohol."

This amendment shall become effective January 27, 1947.

Issued this 27th day of January 1947.

PHILIP B. FLEMING,  
Temporary Controls Administrator

*Statement of Considerations Involved in the Issuance of Amendment 16 to Maximum Price Regulation 28*

On June 20, 1946, Order No. 69 under Maximum Price Regulation 28 was issued permitting manufacturers and jobbers to sell industrial ethyl alcohol at prices subject to upward adjustment in accordance with action, if any, that might be taken by the Office of Price Administration changing the existing maximum prices for sales of this commodity. Such action was found necessary to insure the continued production and distribution of alcohol during a period of rising costs while studies were being made of the extent of any price changes that would be necessary. No price relief was involved in sales of synthetic alcohol which by operation of the Price Control Extension Act of 1946 was freed from all price controls, nor in sales of fermentation grain alcohol (other than that purchased from the Office of Defense Supplies or other government agency for resale) since such alcohol was suspended from price controls under Amendment 13 to this regulation. Accordingly, the problem was confined to sales of molasses alcohol and resales of alcohol purchased from the Reconstruction Finance Corporation.

When Order 69 was issued, molasses was being allocated to distillers for use in their alcohol production only to the extent of 50% of sales (including internal consumption). The following month, July 1946, no molasses was allowed. Subsequently the following percentages for new molasses alcohol production were allowed: August, September, and October 1946—35%, November 1946—20%, December 1946—35%. Cost figures from all but one producer were submitted for the months of June and August 1946, such two months being deemed fairly representative of operations during the period June-November 1946. Costs and revenues derived from the sale of anti-freeze (subject to Maximum Price Regulation 170) were excluded from this study which included only all industrial

ethyl alcohol sales subject to this regulation. Pure alcohol of 190° and over, completely and specially denatured alcohols, and proprietary solvents were accordingly included. The figures submitted were those of producers accounting for about 70% of fermentation ethyl alcohol production. Reference was made to the recent overall earnings position of this multi-line industry which was found to be considerably in excess of its base period return. In conformity with the established policy of this Office in cases involving products of multi-line industries having favorable current overall earnings, consideration of a price adjustment to cover average total costs of the alcohol in question was appropriate under the Price Administrator's standards prior to November 10, 1946, the date when price control was removed from this commodity. On the basis of the data now before this Office it appears that an adjustment of 2.97 cents per finished gallon or 3.11 cents per 190 proof equivalent gallon in the manufacturers' maximum prices for alcohol would have been in order. Accordingly, this action effectuates an increase in the producer's maximum price per gallon for heavy-tonnage formulae and undenatured fermentation ethyl alcohol by 3 cents, said increase having been determined to be the amount necessary to cover average total costs of the industry's fermentation alcohol operations during June to November 1946.

By operation of Order No. 69, this action will enable producers to recover the 3¢ increase on all sales of fermentation ethyl alcohol sold under such open billing authorization from June 20, 1946, until November 10, 1946, when, pursuant to Executive Order of the President and Supplementary Order 193 of this Office, sales of this commodity were removed from price controls.

Similarly, resellers of fermentation ethyl alcohol who have been selling the commodity on open billing pursuant to authorization of Order No. 69 are permitted to recover their increased cost of acquisition of the commodity plus the same percentage margin over costs enjoyed on such sales on March 31, 1946.

In the opinion of the Administrator, the maximum prices established by this amendment are generally fair and equitable, consistent with, and effectuating the purpose of the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 47-877; Filed, Jan. 27, 1947; 11:27 a. m.]

## TITLE 36—PARKS AND FORESTS

### Chapter III—Corps of Engineers, War Department

#### PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

##### MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 4 of the act of December 22, 1944 (58 Stat. 889; 16 U. S. C. 460d) as amended by the Flood Control Act of 1946 (Public Law 526, 79th Congress), Part 311, Chap-

ter III, Title 36 of the Code of Federal Regulations is amended as follows:

1. Paragraphs (e) and (f) are added to § 311.1 as set forth below:

§ 311.1 *Areas covered.* \* \* \*

(e) Fern Ridge Reservoir Area, Long Tom River, Oregon.

(f) Cottage Grove Reservoir Area, Coast Fork of Willamette River, Oregon.

2. Paragraph (a) of § 311.4 is superseded by the following:

§ 311.4 *Houseboats.* (a) A permit shall be obtained from the District Engineer for placing any houseboats on the water of any reservoir area listed in § 311.1, except for the following reservoir areas on which houseboats are prohibited:

(1) Fern Ridge Reservoir Area, Long Tom River, Oregon.

(2) Cottage Grove Reservoir Area, Coast Fork of Willamette River, Oregon.

[Regs. 10 Jan. 1947, ENGWF] (58 Stat. 889, Pub. Law 526, 79th Cong., 16 U. S. C. 460d)

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 47-785; Filed, Jan. 27, 1947; 9:31 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES

#### PART 8—RULES GOVERNING SHIP SERVICE MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 13th day of January 1947:

The Commission having under consideration the matter of providing distress frequencies for the maritime and aeronautical services and having received notification from the United States Department of State that the United States Government has adopted an interim policy establishing 8280 kilocycles as the interim United States aeronautical and maritime high frequency distress frequency until the whole subject matter of such a frequency for such a purpose shall have been discussed and disposed of at the forthcoming International Telecommunications Conference, and that this interim policy includes the establishment of the following restrictions upon the use of 8280 kilocycles by United States radio stations in the mobile service, to wit:

(a) In requesting help from the maritime and aeronautical services, the frequency 8280 kilocycles shall be used for distress purposes in addition to 500 kilocycles by ship stations and aircraft stations so fitted, and in lieu thereof where 500 kilocycles is not available. It may be used only for calls and replies, as well as for distress traffic, urgent and safety messages, and signals.



(b) Transmission on this frequency with the exception of urgent and safety messages, and signals, must cease twice each hour, for 3 minutes, beginning at x:15 and x:45 o'clock, Greenwich Civil Time (GCT) and,

It appearing, that public interest, convenience, and necessity will be served and the United States interim policy implemented in regard to radio stations licensed by this Commission, by amending certain portions of the Commission's rules and regulations; and

It further appearing, that authority for the amendments hereinafter set forth is contained in sections 303 (c) and (r) of the Communications Act of 1934, as amended; that it is the purpose and effect of those amendments to promote the safety of life and property at sea and in the air in accordance with section 1 of the Communications Act of 1934, as amended; that it is necessary in the public interest that those amendments be made effective without undue delay and that notice and public procedure for rule making as required by sections 4 (a) and (b) of the Administrative Procedure Act and the requirement of publication of this rule 30 days prior to the effective date thereof in accordance with section 4 (c) of the Administrative Procedure Act are impracticable, unnecessary, and contrary to the public interest;

Now, therefore, *It is ordered:*

1. That Parts 7 and 8 of the Commission's rules and regulations entitled, respectively, "Rules Governing Coastal and Marine Relay Services" and "Rules Governing Ship Service" be, and they are hereby, amended in the following respects:

(1) Section 7.25 *Transmission of call lists* (47 CFR, Cum. Supp.) is amended by adding after the word "500" in the second sentence the words "and 8280"

(2) Section 7.28 *Repetition of distress call* (47 CFR Cum. Supp.) is amended by adding after the word "500" in the first sentence the words "and 8280"

(3) Section 7.51 *International calling and distress frequency* (47 CFR Cum. Supp.) is amended by changing the title thereof to read "Calling and distress frequencies" by redesignating the existing section as paragraph "(a)" and by adding the following new paragraph:

(b) The interim United States high frequency calling and distress frequency is 8280 kilocycles. The provisions governing the use of 8280 kilocycles shall apply to all areas.

(4) Section 7.52 *Use of other frequencies for distress* (47 CFR Cum. Supp.) is amended by substituting the words "distress frequencies" for the words "international distress frequency"

(5) Section 7.53 *Use of distress frequency* (47 CFR Cum. Supp.) is amended to read as follows:

§ 7.53 *Use of distress frequencies.* (a) The calling and distress frequencies shall be used only for calls and replies, for distress traffic, for urgent and safety messages as may be necessary, and for operating signals, including announcements as authorized by § 7.25.

(b) Transmission on these frequencies with the exception of urgent and safety

messages and signals, must cease twice each hour, for 3 minutes, beginning at x:15 and x:45 o'clock, Greenwich Civil Time (GCT)

(6) Section 7.54 *Use of 143 kilocycles and other calling frequencies* (47 CFR Cum. Supp.) is amended by substituting for the words "143 and 500" in the first sentence the words "143, 500, and 8280"

(7) Section 7.58, *Coastal service* (47 CFR Cum. Supp.), paragraph (a), is amended by adding the word "only" after the words "8280 Calling"

(8) Section 8.45 *Repetition of distress call* (47 CFR Cum. Supp.) is amended by adding after the word "500" in the first sentence the words "and 8280"

(9) Section 8.81, *Allocation for ship stations* (47 CFR Cum. Supp.), paragraph (a) is amended by adding the word "only" after the words "8280 Calling"

(10) Section 8.82 *International calling and distress frequencies* (47 CFR Cum. Supp.) is amended by changing the title thereof to read "Calling and distress frequencies" by redesignating the existing paragraph as paragraph "(a)"; and by adding the following new paragraph:

(b) The interim United States high frequency calling and distress frequency is 8280 kilocycles. The provisions governing the use of 8280 kilocycles shall apply to all areas.

(11) Section 8.83 is amended to read as follows:

§ 8.83 *Use of distress frequencies.* (a) The international calling and distress frequency 500 kilocycles shall be used by ship stations and aircraft stations in requesting help from the maritime services. Ship stations and aircraft stations which are either unable to use this frequency effectively or wish to obtain further assistance, shall use the interim United States distress frequency 8280 kilocycles. These frequencies may be used only for calls and replies, for distress traffic, urgent and safety messages, and for operating signals.

(b) Transmission on these frequencies with the exception of urgent and safety messages and signals, must cease twice each hour, for 3 minutes, beginning at x:15 and x:45 o'clock, Greenwich Civil Time (GCT)

(12) Section 8.84 *Use of other frequencies for distress* (47 CFR Cum. Supp.) is amended by substituting the words "distress frequencies" for the words "international distress frequency"

(13) Section 8.85 *Use of 143 kilocycles and other calling frequencies* (47 CFR Cum. Supp.) is amended by substituting for the words "143 and 500" in the first sentence the words "143, 500, and 8280"

2. That, for the reasons set out above, this order should be, and is hereby, made effective January 15, 1947.

(Sec. 303 (c) 48 Stat. 1082, Sec. 303 (r), 50 Stat. 191, 47 U. S. C. 303 (c) 303 (r))

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-781; Filed, Jan. 27, 1947;  
9:31 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[Rev. S. O. 620]

#### PART 95—CAR SERVICE

##### LIGHT-WEIGHING OF CARS AT ALL PORTS PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of January A. D. 1947.

It appearing, that the practice of weighing empty railroad cars and again weighing them after being loaded with imported commodities at points in all United States ports is aggravating the railroad car shortage and impeding the use, control, supply, movement and distribution of such cars; in the opinion of the Commission an emergency exists requiring immediate action at all ports on the Atlantic, Pacific and Gulf ports; it is ordered, that:

§ 95.620 *Light-weighing of cars at all ports prohibited*—(a) *Railroad cars not to be light-weighed.* No common carrier by railroad subject to the Interstate Commerce Act, shall light-weigh a railroad car or cars intended for loading with imported commodities at any point in the port areas of any port on the Atlantic, Pacific or Gulf ports; nor transport or move such railroad car light-weighed and loaded with imported commodities in violation of this order from any point in the areas of such ports.

(b) *Tariffs suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(c) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) to each of its tariffs affected hereby, announcing the suspension as required by paragraph (b) herein.

(d) *Effective date.* This order shall become effective at 12:01 a. m., January 31, 1947.

(e) *Expiration date.* This order shall expire at 11:59 p. m., May 10, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order shall vacate and supersede Service Order No. 620 on the effective date hereof; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, sec. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17) 15 (4))

By the Commission, Division 3.

[SEAL]

W P BARTEL,  
Secretary.

[F. R. Doc. 47-787; Filed, Jan. 27, 1947;  
9:31 a. m.]

[S. O. 668]

#### PART 97—ROUTING OF TRAFFIC

##### REROUTING OF LOADED CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of January A. D. 1947.

It appearing, that there is a congestion of railroad traffic and loaded cars are not being transported with maximum efficiency to best promote the service in the interest of the public; the Commission is of opinion that an emergency requiring immediate action exists in the area named in paragraph (c) hereof: it is ordered, that:

§ 97.668 *Rerouting of loaded cars; appointment of agent—(a) Definitions.* (1) The term "common carrier" as used herein means a common carrier by railroad subject to the Interstate Commerce Act.

(2) The term "car" or "cars" as used herein means any loaded railroad freight car or cars.

(b) (1) *Designation.* E. W. Coughlin, 59 East Van Buren Street, Chicago, Illinois, is hereby designated and appointed as agent of the Interstate Commerce Commission and vested with authority to reroute cars to, from or between common carriers in the area named in paragraph (c) of this section.

(2) *Outline of duties.* As agent, acting on instructions of the Director, Bureau of Service, he is hereby authorized and directed to order any common carrier to divert or reroute, over the line or lines of any common carrier, cars from the line of any common carrier operating in the area listed in paragraph (c) of this section which in his opinion cannot currently accept and move such traffic. Such rerouting or diversion shall be made regardless of the routing shown on the bill of lading designated by either shipper or carrier. Such diversion or rerouting shall be made either at point of origin or as soon as possible thereafter. A copy of each order issued by the agent shall be furnished to the Director, Bureau of Service, on the date of issuance.

(c) *Area affected.* Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, (lower peninsula), New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia.

(d) *Execution of agent's orders.* Each common carrier, as it may be affected by Agent Coughlin's orders, shall perform the service required therein without delay.

(e) *Application.* The provisions of this order shall apply to cars moving in intrastate and foreign commerce as well as interstate commerce.

(f) *Rates to be applied.* Inasmuch as such disregard of routing is deemed to be due to carrier's disability, the rates applicable to traffic so forwarded by routes other than those designated by shippers, or by carriers shall be the rates which were applicable at date of shipment over the routes so designated.

(g) *Division of rates.* In executing the orders and directions of the Commission provided for in this order, common carriers affected shall proceed, even

though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereinafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized they shall not be changed or affected by this order.

(h) *Effective date.* This order shall become effective at 12:01 a. m., January 31, 1947.

(i) *Expiration date.* This order shall expire at 12:01 a. m., March 31, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that copies of this order and direction shall be served upon the State railroad regulatory bodies of each State named herein, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, sec. 4, 10, 54 Stat. 901, 912, 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-786; Filed, Jan. 27, 1947;  
9:31 a. m.]

## PROPOSED RULE MAKING

### TREASURY DEPARTMENT

#### Bureau of Internal Revenue

##### [26 CFR, Part 29]

#### TAXABILITY OF INCOME OF CERTAIN TRUSTS

##### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority

of section 62 of the Internal Revenue Code (53 Stat. 32, 26 U. S. C., 62)

Regulations 111 (26 CFR, Part 29) are amended as follows:

PARAGRAPH 1. Section 29.22 (a)-21, added by Treasury Decision 5488, approved December 29, 1945 (26 CFR 29.22 (a)-21) is amended as follows:

(A) By striking out the last sentence of paragraph (a) of such section and inserting in lieu thereof the following: "Such factors are set forth in general in paragraph (b) and in detail in paragraphs (c) (d) and (e) below."

(B) By striking out the words "subsection (a)" "subsection (c)" "subsection (d)" and "subsection (e)" wherever they appear in paragraph (b) of such section and inserting in lieu thereof "paragraph (a)" "paragraph (c)", "paragraph (d)" and "paragraph (e)"

(C) By striking out of subparagraph (2) of paragraph (c) of such section the words: "or spouse living with the grantor," and inserting in lieu thereof

the following: "or spouse (living with the grantor, and not having a substantial adverse interest in the corpus or income of the trust)"

(D) By striking out the second undesignated paragraph of paragraph (c) of such section beginning: "Where the grantor's reversionary interest is to take effect in possession or enjoyment" to and including subdivision (ii) and inserting in lieu thereof the following:

Where the grantor's reversionary interest is to take effect in possession or enjoyment by reason of some event other than the expiration of a specific term of years, the trust income is nevertheless attributable to him if such event is the practical equivalent of the expiration of a period less than 10 to 15 years, as the case may be. For example, a grantor is taxable on the income of a trust if the corpus is to return to him or his estate on the graduation from college or prior death of his son, who is 18 years of age at the date of the transfer in trust. Trust

income is, however, not attributable to the grantor where such reversionary interest is to take effect in possession or enjoyment at the death of the person or persons to whom the income is payable.

(E) By striking out the second sentence of the first undesignated paragraph of paragraph (d) of such section and inserting in lieu thereof the following: "The grantor is not taxable, however, if the power, whether exercisable with respect to corpus or income, may only affect the beneficial enjoyment of the income for a period commencing 10 years from the date of the transfer (or 15 years where any power of administration specified in paragraph (c) of this section is exercisable solely by the grantor, or spouse living with the grantor and not having a substantial adverse interest, or both, whether or not as trustee)"

(F) By striking out the last sentence of the first undesignated paragraph of paragraph (d) of such section and inserting in lieu thereof the following: "Where the income affected by the power is for a period beginning by reason of some event other than the expiration of a specific term of years, the grantor will be taxable if such event is the practical equivalent of the expiration of a period less than 10 or 15 years, as the case may be, in accordance with the criteria stated in paragraph (c) of this section."

(G) By striking out exception (3) of paragraph (d) of such section and inserting in lieu thereof the following:

(3) A power which merely enables the grantor or another person:

(i) To distribute or apply income to or for a current income beneficiary or to accumulate such income for him, provided that any accumulated income must ultimately be payable to the beneficiary from whom distribution or application is withheld or to his estate, or, if payable upon the complete termination of the trust or in conjunction with a distribution of corpus which distribution is augmented by such accumulated income, is ultimately payable to the current income beneficiaries in shares which have been irrevocably specified in the trust instrument. Accumulated income shall be considered so payable although it is provided that if any beneficiary does not survive the date of distribution, the share of such deceased beneficiary is to be paid to one or more designated alternate takers, other than the grantor or the grantor's estate, if such date may reasonably be expected to occur within the beneficiary's lifetime and if the share of such alternate taker or the shares of such alternate takers have been irrevocably specified in the trust instrument; or

(ii) Only during the minority of a current income beneficiary to distribute or apply income to or for such beneficiary

or to accumulate and add such income to corpus;

(H) By striking out of exception (4) of paragraph (d) of such section the phrase: "For the requirements of such standard, see exception (5);" and inserting in lieu thereof the following: "Such standard must be set forth in the trust instrument, and must consist of the needs and circumstances of the beneficiaries;"

(I) By striking out exception (5) of paragraph (d) of such section (to and including example (2)) and inserting in lieu thereof the following:

(5) A power to apportion income (whether by distribution or accumulation) to or within a class of beneficiaries, or a power to pay out corpus to or for a current income beneficiary, if such power is exercisable by a trustee or trustees, none of whom is the grantor or spouse living with the grantor, and its exercise is not subject to the approval or consent of any person other than such trustee or trustees. However, if any of such trustees is the father, mother, issue, brother, sister, or employee of the grantor (or is an employee of a corporation in which the grantor is an executive or the stockholdings of the grantor and the trust are significant from the viewpoint of voting control), and if the class of beneficiaries designated to receive the income includes the wife or any child of the grantor, this exception shall apply only if the power is limited by some reasonably definite external standard. For the requirements of a reasonably definite external standard, see exception (4). A power to appoint within a class of beneficiaries does not fall within this exception if the trustee is enabled to add to or eliminate from the class of beneficiaries designated to receive the income except insofar as provision may be made for after-born children.

(J) By striking out paragraph (e) of such section in its entirety and inserting in lieu thereof the following:

(e) *Administrative control.* Income of a trust, whatever its duration, is taxable to the grantor where, under the terms of the trust or the circumstances attendant on its operation, administrative control is exercisable primarily for the benefit of the grantor rather than the beneficiaries of the trust. Administrative control is exercisable primarily for the benefit of the grantor where:

(1) A power exercisable by the grantor, or any person not having a substantial adverse interest in its exercise, or both, whether or not in the capacity of trustee, enables the grantor or any person to purchase, exchange or otherwise deal with or dispose of the corpus or the income therefrom for less than an adequate and full consideration in money or money's worth; or

(2) A power exercisable by the grantor, or any person not having a substantial

adverse interest in its exercise, or both, whether or not in the capacity of trustee, enables the grantor to borrow the corpus or income, directly or indirectly, without adequate security or interest; or

(3) The grantor has directly or indirectly borrowed the corpus or income and has not completely repaid the loan, including any interest, before the beginning of the taxable year; or

(4) Any one of the following powers of administration over the trust corpus or income is exercisable by any person in a nonfiduciary capacity: A power to vote or direct the voting of stock or other securities, a power to control the investment of the trust funds either by directing investments or reinvestments or by vetoing proposed investments or reinvestments, a power to reacquire the trust corpus by substituting other property of an equivalent value, and a power which enables the grantor to borrow the corpus or income with adequate security and interest.

If a power is exercisable by a person as trustee, it is presumed that the power is exercisable in a fiduciary capacity primarily in the interests of the beneficiaries. Such presumption may be rebutted only by clear and convincing proof that the power is not exercisable primarily in the interests of the beneficiaries. If a power is not exercisable by a person as trustee, the determination of whether such power is exercisable in a fiduciary or a nonfiduciary capacity depends on all the terms of the trust and the circumstances surrounding its creation and administration. For example, where the trust corpus consists of diversified stocks or securities of corporations the stock of which is not closely held and in which the holdings of the trust, either by themselves or in conjunction with the holdings of the grantor, are of no significance from the viewpoint of voting control, a power with respect to such stocks or securities held by a person who is not a trustee will be regarded as exercisable in a fiduciary capacity primarily in the interests of the beneficiaries.

The mere fact that a power exercisable by the trustee is described in broad language does not indicate that the trustee is authorized to purchase, exchange, or otherwise deal with or dispose of the trust property or income for less than an adequate and full consideration in money or money's worth. On the other hand, such authority may be indicated by the actual administration of the trust.

PAN. 2. Section 29.22 (a)-21 (26 CFR 29.22 (a)-21) as amended shall be applicable to taxable years beginning after December 31, 1945.

[SEAL]

WILLIAM T. SHERWOOD,  
Acting Commissioner of  
Internal Revenue.

[F. R. Doc. 47-795; Filed, Jan. 27, 1947;  
9:32 a. m.]

## NOTICES

## DEPARTMENT OF JUSTICE

## Office of Alien Property

[Vesting Order 7986]

BERGISCHE STAHL INDUSTRIE ET AL.

In re: Participation certificates owned by Bergische Stahl Industrie, Bruder Boye, Fries & Hoepfinger Aktiengesellschaft, Gelsenkirchener Bergwerke Aktien-Gesellschaft, A. Kinkel, Loos & Kimbel and Krefelder Stahlwerk; D-28-9589-D-1, F-28-23679-D-1, F-28-23678-D-1, F-28-23677-D-1, F-28-23675-D-1, F-28-23674-D-1, D-28-10717-D-1, F-28-7645-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bergische Stahl Industrie, Fries & Hoepfinger, Gelsenkirchener Bergwerke Aktien-Gesellschaft, Loos & Kimbel and Krefelder Stahlwerk, the last known addresses of which are Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany)

2. That Bruder Boye and A. Kinkel, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

3. That the property described as follows: Seven (7) participation certificates, Series B, issued by City Bank Farmers Trust Company, 22 William Street, New York 15, New York, Trustees under Agreement dated January 15, 1915, between Hermann D. Boker, Hans R. Boker, H. Boker & Co., Inc., Carl F. Boker, Valley Forge Cutlery Company and The Farmers Loan & Trust Company, registered in the names of the persons listed below, in the unpaid face amounts as of February 18, 1946 and bearing the numbers appearing opposite each name as follows:

Registered owner	Certificate No.	Unpaid face amount
Bergische Stahl Industrie.....	B-118	\$29.74
Bruder Boye.....	B-10	31.19
Fries & Hoepfinger Aktiengesellschaft.....	B-12	1,435.07
Gelsenkirchener Bergwerke Aktien-Gesellschaft.....	B-6	94.13
A. Kinkel.....	B-145	70.10
Loos & Kimbel.....	B-137	123.03
Krefelder Stahlwerk.....	B-18	7.82

together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp. E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,  
Director

[F. R. Doc. 47-775; Filed, Jan. 24, 1947; 8:49 a. m.]

[Vesting Order 7985]

LUDWIG RADER

In re: Estate of Ludwig Rader, deceased, File No. D-28-9689; E. T. sec. 13500.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Rader, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the sum of \$3,015.32 was paid to the Alien Property Custodian by William Hahn, Administrator of the estate of Ludwig Rader, deceased;

3. That the said sum of \$3,015.32 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the

national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 2, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 15, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,  
Director

[F. R. Doc. 47-804; Filed, Jan. 27, 1947; 8:46 a. m.]

[Vesting Order 7989]

ALEX HAGEDORN

In re: Stock and bank account owned by Alex Hagedorn, F-28-2293-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alex Hagedorn, whose last known address is % Dr. H. W. Renkl, Hauptstrasse 78, Hafenlohr a. M., Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Twenty-five (25) shares of \$20 par value 7% cumulative preferred capital stock of Cincinnati Car Corporation, evidenced by certificate number 2692, registered in the name of Alex Hagedorn, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of no par value Class B capital stock of Cincinnati Car Corporation, evidenced by certificate

the meanings prescribed in section 10 of Executive Order 9193 as amended

(40 Stat 411 55 Stat 839, Pub Law 322 79th Cong 60 Stat. 50, Pub Law 671, 79th Cong 60 Stat 925, 50 U. S. C., and Supp App. 1, 616; E. O. 9193 July 6 1942 3 CFR, Cum. Supp. E O 9567 June 8, 1945, 3 CFR 1945 Supp., E O 9788, Oct 14 1946 11 F R 11981)

Executed at Washington, D C, on January 21, 1947

For the Attorney General

[SEAL] DONALD C Cook

Director

[F R Doc 47-810; Filed Jan 27, 1947; 8:56 a m]

WALTER H LOWSTON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No	Vesting Order No	Property	Location
Walter H. Lowston, formerly known as Walter Herman Lowenstein, New York, N Y	A-41	331 (8 F R 623)	U. S. Letters Patent No 1,934,631	Washington, D C

Executed at Washington, D C, on January 22, 1947

For the Attorney General

[SEAL] DONALD C Cook,

Director

[F R Doc 47-813; Filed Jan 27, 1947; 8:56 a m]

to or claimed by the aforesaid nationals of a designated enemy country (Germany):

3 That such property is in the process of administration by L. C. Val Bracht, as executor acting under the judicial supervision of the County Court of Oklahoma County, Oklahoma City, Oklahoma;

and it is hereby determined:

4 That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States

The terms "national" and "designated enemy country" as used herein shall have

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended

(40 Stat 411, 55 Stat 839 Pub Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp App 1, 616; E. O. 9193, July 6 1942, 3 CFR, Cum Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E O 9788, Oct 14 1946, 11 F R 11981)

Executed at Washington, D C, on January 15, 1947

For the Attorney General

[SEAL]

DONALD C Cook

Director

[F R Doc 47-805; Filed Jan 27, 1947; 8:56 a m]

HANS LEWIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No	Vesting order No	Property	Location
Hans Lewin, New York, N Y	A-47 and 43	331 (8 F R 623)----	U. S. Letters Patent Nos 2,162,333 and 2,163,225	Washington, D C

Executed at Washington, D C, on January 22, 1947

For the Attorney General

[SEAL]

DONALD C Cook,

Director

[F R Doc 47-811; Filed, Jan 27, 1947; 8:56 a m]

number 2899 registered in the name of Alex Hagedorn and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon, and c That certain debt or other obligation owing to Alex Hagedorn, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account entitled Alex Hagedorn, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held-on behalf of or on account of, or owing to or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3 That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest, There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

tive Order 9193, as amended, and Executive Order 9708, and pursuant to law, after investigation, it is hereby found:

1 That Lizzie Kruger, Kate Gortski (Kate Kruger Gortski), Elizabeth Kruger, Heinrich Kruger, Marichen Kruger, Lisa Kruger, and Marie Kruger Martens, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany):

2 That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Augusta Valbracht, deceased, is property payable or deliverable

ORDER GRANTING APPLICATION FOR REHEARING AND STAY OF ORDERS

JANUARY 21, 1947

Upon consideration of the application filed December 23, 1946, by The Central Nebraska Public Power and Irrigation District, licensee for Project No 1417, for

rehearing on and stay of the Commission's order dated November 22, 1946, fixing December 31, 1947, as the time for completion of construction of certain additions to the outlet works at the Kingsley Dam in accordance with Plan B submitted by licensee and approved by the Commission's order of April 17, 1945; and

It appealing that: In addition to the stay of the order of November 22, 1946, as requested by licensee, the order of April 17, 1945, directing licensee to proceed with the additions to the project in accordance with Plan B should also be stayed;

The Commission orders that:

(a) The aforesaid application for rehearing is hereby granted, said rehearing to be held at a time and place to be hereafter fixed by the Commission;

(b) The Commission's aforesaid orders of April 17, 1945, and November 22, 1946,

## FEDERAL POWER COMMISSION

[Project 1417]

CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT



are hereby stayed until further order of the Commission.

Date of issuance: January 22, 1947.

By the Commission.

[SEAL]

J. H. GUTRIE,  
Acting Secretary.

[F. R. Doc. 47-780; Filed, Jan. 27, 1947;  
8:55 a. m.]

## UNITED STATES MARITIME COMMISSION

### "TROPICUS"

#### DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by United States Maritime Commission, pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17, 78th Congress)

Whereas the title to the vessel "S/S Tropicus" of Argentine registry, was requisitioned pursuant to the act of June 6 1941 (Public Law 101, Seventy-seventh Congress; 55 Stat. 242), as amended, on or about July 31, 1942; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17, 78th Congress; 57 Stat. 45) provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, of just compensation therefor that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, Seventy-seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the *FEDERAL REGISTER*, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however*, That no such determination shall be made with respect to any vessel after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner \* \* \*

and

Whereas neither the full amount nor 75 per centum of just compensation for such vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the former owner of the said vessel has consented to a determination that the use of the vessel is no longer required by the United States and to the return of the vessel and the conversion of the requisition of title thereto to a requisition of the use thereof in accordance with the act approved March 24, 1943 (Public Law 17, 78th Congress) and

Whereas section 202 of the act of July 8, 1946 (Public Law 492, 79th Congress) provides that effective September 1, 1946, and continuing only during the period ending December 31, 1946, "all functions, powers, and duties of the War Shipping Administration, including all of the foregoing provisions in this act relating to

said Administration are hereby transferred to and shall be exercised by the United States Maritime Commission under the same legal authorities and subject to the same conditions and limitations not otherwise altered by the foregoing provisions in this act relating to said Administration, as will be applicable to the War Shipping Administration on August 30, 1946, and the War Shipping Administration shall cease to exist as of September 1, 1946"

Now, therefore, I, A. J. Williams, Secretary, United States Maritime Commission, do hereby certify that on December 19, 1946, the United States Maritime Commission, acting pursuant to the act approved March 24, 1943 (Public Law 17, 78th Congress) determined that the ownership of said vessel is not required by the United States and that from and after the date of publication hereof in the *FEDERAL REGISTER*, the use rather than the title to such vessel shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: January 21, 1947.

[SEAL]

A. J. WILLIAMS,  
Secretary.

[F. R. Doc. 47-800; Filed, Jan. 27, 1947;  
8:55 a. m.]

### "TROPICUS"

#### DEPOSIT OF JUST COMPENSATION

Notice is hereby given that on January 17, 1947, the United States Maritime Commission, acting pursuant to the act of June 6, 1941, Public Law 101, 77th Congress (55 Stat. 242) as amended, particularly by section 3 (a) of the act of March 24, 1943, Public Law 17, 78th Congress (57 Stat. 45) deposited with the Treasurer of the United States the sum of \$250,000.00 as just compensation for the use of the vessel "Tropicus," of Argentine registry, which was requisitioned at Los Angeles, California, pursuant to the said act of June 6, 1941, as amended, on July 31, 1942. In accordance with the said section 3 (a) of the act of March 24, 1943, the holder of any valid claim by way of mortgage or maritime lien or attachment lien upon the said vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisition may commence within six months after publication of this notice in the *FEDERAL REGISTER* and maintain in the United States district court from whose custody such vessel was taken or in whose territorial jurisdiction the vessel was lying at the time of requisitioning, a suit in admiralty according to the principles of libels in rem against the fund so deposited, which suit shall proceed and be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties. Such suit shall be commenced in the manner provided by section 2 of the Suits in Admiralty Act and service of process shall be made in the manner therein provided

by service upon the United States attorney and by mailing by registered mail to the Attorney General and the United States Maritime Commission and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. Any decree in any such suit shall be paid out of this and any subsequent deposit of just compensation.

By order of the United States Maritime Commission.

Dated: January 21, 1947.

[SEAL]

A. J. WILLIAMS,  
Secretary.

[F. R. Doc. 47-801; Filed, Jan. 27, 1947;  
8:55 a. m.]

## OFFICE OF DEFENSE TRANSPORTATION

[Special Allocation Order ODT R-1]

TANK CARS FOR TRANSPORTATION OF SULPHURIC ACID AND AMMONIUM NITRATE SOLUTION

#### ALLOCATION FOR USE

It appearing, that there is a critical shortage in the supply of tank cars of a type suitable for the transportation of sulphuric acid and ammonium nitrate solution; that the War Department now has under lease to the various commercial companies named in Appendix A hereof 318 Class ICC 103A or ARA 3 tank cars which are suitable for such transportation of which 190 are urgently needed by the War Department for the transportation of ammonium nitrate solution in connection with the Army Fertilizer Program; that the Assistant to the President of the United States has directed that said 318 cars remain in commercial service; *Provided*, That 190 tank cars of an average capacity of 7,500 gallons and of a type suitable for the transportation of ammonium nitrate solution are made available to the War Department; that because of the critical shortage in the supply of tank cars of a type suitable for the transportation of ammonium nitrate solution it will be necessary to convert certain Class ICC 103 or ARA 3 tank cars for such service; that the tank car owners named in Appendix B hereof each owns 1,000 or more tank cars; that the commercial companies named in Appendix A hereof have advised the Office of Defense Transportation that if they are permitted to retain in their service, without rental charge, the Class ICC 103A or ARA 3 tank cars under lease from the War Department, they are willing to lease from owners of Class ICC 103 or ARA 3 tank cars and make available to the War Department, without rental charge, as many such cars as will be required to equal approximately 60 per cent of the gallonage capacity of the Class ICC 103A or ARA 3 tank cars they have under lease from the War Department; that except for the expense to be borne by the War Department of painting the interiors

of the tanks of the Class ICC 103 or ARA 3 tank cars to be made available to the War Department, said commercial companies will bear the expense of converting such tank cars to a type suitable for the transportation of ammonium nitrate solution, and that upon the return of such cars by the War Department they will likewise bear the expense necessary to reconvert such cars:

Now, therefore, pursuant to Title III of the Second War Powers Act, as amended, Executive Order 9899, as amended, and Executive Order 9729, and it being deemed necessary in the public interest and to promote the national defense, by reason of the short supply of tank cars of a type suitable, or capable of being made suitable, for the transportation of sulphuric acid and ammonium nitrate solution, to allocate the use of certain of such cars; *It is hereby ordered, That:*

1. Each commercial company named in Appendix A hereof shall retain in its present service each Class ICC 103A or ARA 3 tank car now leased by such company from the War Department: *Provided*, That each such commercial company shall forthwith furnish the War Department tank cars of a type suitable for the transportation of ammonium nitrate solution of an aggregate gallone capacity shown in Appendix A hereof opposite the name of each such commercial company.

2. Notwithstanding any contract, lease, or other commitment, express or implied, each tank car owner named in Appendix B hereof shall forthwith make available, by lease, to any company or companies named in Appendix A hereof, for conversion by or for the account of such company or companies and delivery to the War Department, Class ICC 103 or ARA 3 tank cars in the number and of the aggregate gallone capacity shown opposite the name of each such tank car owner in said Appendix B: *Provided*, That a greater or less number of tank cars may be made available by any tank car owner named in said Appendix B if the aggregate gallone capacity of the tank cars made available equals or exceeds the aggregate gallone capacity shown in Appendix B opposite the name of such car owner: *Provided, further* That no tank car of a capacity of less than 6,400 gallons shall be made available by any such car owner.

3. In the event the interested parties are unable to agree upon the amount of compensation payable for the use of the Class ICC 103 or ARA 3 tank cars directed to be leased pursuant to the provisions of this order, the amount of such compensation shall be determined by the Office of Defense Transportation.

4. The provisions of this order shall be subject to special permits issued by the Director, Railway Transport Department, Office of Defense Transportation. The Director, Railway Transport Department, Office of Defense Transportation is hereby authorized to issue such special permits on behalf of the Office of Defense Transportation in exceptional cases where the issuance of any such permit is

consistent with the purposes of this order. Application for the issuance of such special permits shall be made in accordance with the provisions of Administrative Order ODT 32 (11 F. R. 177A-633)

5. Communications concerning this order should refer to "Special Allocation Order ODT R-1" and should be addressed to the Railway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This Special Allocation Order ODT R-1 shall become effective on January 23, 1947, and shall remain in full force and effect until further order of the Office of Defense Transportation.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345, 50 U. S. C. App. Sup. 633, 645, 1152, E. O. 9899, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 23d of January 1947.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

## APPENDIX A

Commercial companies having class ICC 103A or ARA 3 tank cars under lease from War Department	Number of cars under lease	Minimum aggregate gallone capacity of cars to be furnished War Dept.
Argo Phosphate Co., Newark, Calif.	4	15,000
American Agricultural Chemical Co., 29 Church St., New York, N. Y.	3	15,000
American Zinc Lead & Smelting Co., 1059 Paul Brown Bldg., St. Louis, Mo.	10	45,000
Blockson Chemical Co., Joliet, Ill.	5	22,500
Cotton Producers Co., P. O. Box 103, Atlanta, Ga.	6	20,000
Davison Chemical Co., 29 Hopkins Pl., Baltimore, Md.	15	67,500
E. I. DuPont de Nemours Co., Wilmington, Del.	82	397,500
General Chemical Co., 61 Broadway, New York, N. Y.	25	112,500
Harshaw Chemical Co., 1845 East 9th St., Cleveland, Ohio	1	7,500
Hercules Powder Co., Wilmington, Del.	2	7,500
Monsanto Chemical Co., St. Louis, Mo.	4	15,000
Mutual Fertilizer Co., Savannah, Ga.	2	7,500
Orak Chemical Co., Tulsa, Okla.	7	30,000
Pittsburgh Coal & Chemical Co., Grant Bldg., Pittsburgh, Pa.	6	30,000
Royster Guano Co., Royster Bldg., Norfolk, Va.	4	15,000
Shell Chemical Co., Shell Bldg., San Francisco, Calif.	13	60,000
Solvay Process Co., 61 Broadway, New York, N. Y.	25	215,000
Southern Acid & Sulphur Co., Rialto Bldg., St. Louis, Mo.	20	135,000
Standard Wholesale & Phosphate Co., Baltimore, Md.	24	105,000
Swift & Co. (Plant Food Co.), 219 Walnwright Bldg., Norfolk, Va.	3	15,000
Tennessee Corp., 61 Broadway, New York, N. Y.	12	52,500
Virginia Carolina Chemical Co., Richmond 8, Va.	2	7,500
U. S. Rubber Co., 1239 Sixth Ave., New York, N. Y.	2	7,500
Total.....	318	1,425,000

## APPENDIX B

Companies owning 1000 or more tank cars	Number of tank cars owned	Number of, and minimum aggregate gallone capacity of, cars to be made available (subject to provisions contained in paragraph 2)	
		Number	Aggregate gallone capacity
Union Tank Car Co., 223 North LaSalle St., Chicago, Ill.	33,532	63	510,000
General American Transportation Co., 135 S. LaSalle St., Chicago, Ill.	37,701	67	562,500
Shippers Car Line, 20 Church St., New York, N. Y.	9,075	17	127,500
Sinclair Refining Co., 629 7th Ave., New York, N. Y.	6,156	11	82,500
North American Car Corp., 327 S. LaSalle St., Chicago, Ill.	4,536	8	60,000
Shell Oil Co., Inc., 10 West 76th St., New York, N. Y.	2,631	4	20,000
Mid-Continent Petroleum Co., Box 231, Tulsa, Okla.	2,141	4	20,000
Mexican Petroleum Co., 122 East 42d St., New York, N. Y.	1,752	3	22,500
Gulf Oil Corp., P. O. Box 1100, Pittsburgh, Pa.	1,529	3	22,500
Tidewater Associated Oil Co., 17 Battery Pl., New York, N. Y.	1,469	3	22,500
Clifco-Service Oil Co., 70 Pine St., New York, N. Y.	1,450	2	15,000
Total.....	100,933	150	1,425,000

[F. R. Doc. 47-815; Filed, Jan. 27, 1947; 8:57 a. m.]

## FEDERAL TRADE COMMISSION

[Docket No. 5424]

## PERMA-PLASTIC SEAL CO.

## ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of January A. D. 1947.

In the matter of Elmer L. Boyd, Herma Lou Boyd and Elizabeth Epps, individually and trading as Perma-Plastic Seal Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony and the receipt of evidence begin on Monday, February 3, 1947, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Court Room 859, Federal Building Detroit, Michigan.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint,

the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-797; Filed, Jan. 27, 1947;  
8:57 a. m.]

[Docket No. 5474]

CONCRETE MATERIALS CORP.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of January A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Henry P. Alden, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

*It is further ordered*, That the taking of testimony and the receipt of evidence begin on Thursday, February 6, 1947, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The Trial Examiner on the completion of the taking of testimony and the receipt of evidence will then close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material is-

sues of fact, law and discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.  
[F. R. Doc. 47-796; Filed, Jan. 27, 1947;  
8:55 a. m.]

INTERSTATE COMMERCE  
COMMISSION

[S. O. 396, Special Permit 87]

RECONSIGNMENT OF CITRUS FRUIT AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., January 20, 1947, by Florida Citrus Exchange, of car FGE 37355 and WFE 60249, citrus, now on The Pennsylvania RR., and FGE 33990 and WFE 62061, citrus, now on the Baltimore and Ohio RR., to Florida Citrus Exchange, New York, N. Y., and WFE 67827, citrus, now on the Baltimore and Ohio RR., to Florida Citrus Exchange, Boston, Mass.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of January 1947.

V. C. CLINGER,  
Director, Bureau of Service.

[F. R. Doc. 47-789; Filed, Jan. 27, 1947;  
8:55 a. m.]

[S. O. 669]

UNLOADING OF PLASTER AT LOS ANGELES,  
CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its

office in Washington, D. C., on the 21st day of January A. D. 1947.

It appearing, that car NYC 151793, containing plaster in sacks, at Los Angeles, California, on the Pacific Electric Railway Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

(a) *Plaster at Los Angeles, California, be unloaded.* The Pacific Electric Railway Company or its agents or employees shall unload immediately car NYC 151793, containing plaster in sacks, now on hand at Los Angeles, Calif.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., January 23, 1947, and continuing until the actual unloading of said car is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W P BARTEL,  
Secretary.

[F. R. Doc. 47-788; Filed, Jan. 27, 1947;  
8:55 a. m.]